DOCUMENT RESUME

ED 095 050 SO 007 674

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TITLE	Teaching About Basic Legal Concepts in the Senior High School. Rationale for the Teacher.
INSTITUTION	New York State Education Dept., Albany. Bureau of Secondary Curriculum Development.
PUB DATE	74
NOTE	41p.; Modules are SO 007 669-673
EDRS PRICE	MF-$0.75 HC-$1.85 PLUS POSTAGE
DESCRIPTORS	Curriculum Design; Curriculum Guides; *Educational Objectives; Educational Strategies; Grade 11; High School Curriculum; *Law Instruction; Program Descriptions; Resource Materials; *Social Studies; *Teaching Guides; *United States History
IDENTIFIERS	*New York State

ABSTRACT

The rationale for a program intended to suggest ways in which respect for the rule of law may be developed, and a suggested series of modules to provide guidance and illustrative materials for developing legal concepts and understandings in an 11th grade American history course are presented. The format suggests several alternate uses, including the basis for a minicourse as well as a one-or two-semester course. An overview outlines the understandings designed to be developed in five modules, entitled The System: Who Needs It; Legal Techniques at Work; Law and Change; Keeping the Officials in Line; and The Limits of Law. A section on how to use the teaching program offers a purpose and description of the entire program and each of the modules. Background information about the legal system describes kinds of laws, official tasks, legal proceedings, and the court system. In a section on the collection of resource materials for classroom use the location and adaptation of cases and statutes, printed materials, and human resources is related. A bibliography and media listing conclude the rationale. Some of the background information is specifically related to the New York State legal system. (Author/KSM)

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TEACHING ABOUT BASIC LEGAL CONCEPTS
IN THE SENIOR HIGH SCHOOL

Rationale For The Teacher

SP 007 674

The University of the State of New York/The State Education Department
Bureau of Secondary Curriculum Development/Albany/1974

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Rationale

FOREWORD

Many people perceive the study of law as confined to court procedures and penalties imposed upon those who violate regulations. In contrast, the student lives in a world in which he is increasingly aided and benefitted by law at the same time that he feels its restrictions. This publication is intended to suggest ways that respect for the rule of law may be developed by bringing understanding of its function to every phase of one's everyday life.

Teaching About Basic Legal Concepts in the Senior High School need not impose an additional course of study upon an already crowded curriculum. In schools which wish to do so, the various modules provide guidance and illustrative materials for developing the concepts and understandings of the Social Studies II American History course. Suggestions for specific points of reference to the State course of study in American history are included in the introductory statements.

The format of this publication packet suggests several alternate uses, however. One or more modules may be used as the basis for a minicourse. The total packet is, of course, useful for structuring a one- or two-semester course of study.

While still a student at Cornell University Law School, A. Bruce Campbell, now attorney at law with the firm of Davis, Graham, and Stubbs, Denver, Colorado, was impressed with the need for materials to help the teacher better handle topics concerning the law. Many secondary school students held misconceptions and misunderstandings because so little time was devoted to this area.

Assisted by Cornell University Law School faculty and administrative staff of the Ithaca public schools, he devised a project to develop teaching modules about the law. These modules were prepared by Mr. Campbell; Professor Robert Summers of Cornell University Law School; Mrs. Gail F. Hubbard, Ithaca High School; and John P. Bozzone, DeWitt Junior High School, Ithaca, under State Education Department sponsorship. Hillis K. Idleman, associate, Bureau of Secondary Curriculum Development, served as liaison for the project during the development and field testing stages.

Robert Neiderberger, associate professor, SUNY, and social studies teacher at Milne School, Albany, developed additional teaching strategies and identified a variety of resources for student use, drawing upon his own experience and the reports of other teachers in the field test of the original modules. Donald H. Bragaw, Chief, and John F. Dority and Jacob I. Hotchkiss, associates, Bureau of Social Studies Education, reviewed the manuscript and made helpful suggestions concerning its revision. Janet M. Gilbert, associate, Bureau of Secondary Curriculum Development, had general charge of the publication project, and prepared the manuscript for printing.

GORDON E. VAN HOOFT
Director, Division of
Curriculum Development

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OVERVIEW OF UNDERSTANDINGS

The five modules are designed to develop the following understandings:

MODULE I: THE SYSTEM: WHO NEEDS IT?

LAW SERVES AS A NECESSARY MEANS OF SOCIAL CONTROL OVER ANTISOCIAL BEHAVIOR.

LAW SERVES AS A NECESSARY MEANS OF PROVIDING ACCEPTED PROCESSES FOR DISPUTE RESOLUTION TO FURTHER EFFECTIVE SOCIAL CONTROL.

LAW SERVES AS A NECESSARY MEANS OF PROVIDING SOCIAL GUIDANCE IN DAILY AFFAIRS.

LAW IS THE ONLY MEANS OF PROVIDING FOR SOCIAL BENEFITS THROUGH PUBLIC ACTION.

LAW SERVES AS A NECESSARY MEANS OF SUPPORT FOR PROVIDING FOR SOCIAL BENEFITS THROUGH PRIVATE ACTION.

PHILOSOPHICAL DIFFERENCES ABOUT THE NATURE OF MAN AND OF HIS SOCIETY INFLUENCE THEORETICAL BELIEF IN THE NECESSITY FOR LAW.

MODULE II: THE SYSTEM: LEGAL TECHNIQUES AT WORK

SEVERAL DISTINCT LEGAL TOOLS OR TECHNIQUES CAN BE USED TO DEAL WITH THE NEEDS OF OUR SOCIETY.

THE ROLES OF CITIZENS AND OF OFFICIALS VARY IN INFLUENCING, ACTIVATING, OR OPERATING EACH DISTINCT LEGAL TECHNIQUE.

THE EFFECTIVENESS OF THE LEGAL TECHNIQUES DEPENDS IN PART UPON THE SOUNDNESS OF THE CONTENT OF THE LAWS AND UPON THE SOUNDNESS OF THE PROCESSES USED TO ADMINISTER THE LAWS.

THE EFFECTIVENESS OF LAW DEPENDS UPON CAREFUL SELECTION OF THE MOST APPROPRIATE LEGAL TECHNIQUE(S) TO USE ON A PARTICULAR PROBLEM.

MODULE III: THE SYSTEM: LAW AND CHANGES

AS SOCIAL CHANGE OCCURS IN MOST SOCIETIES, LAWS MUST CHANGE TO RESPOND TO CHANGING SOCIAL NEEDS.

THE PROCESSES FOR INFLUENCING CHANGE IN LAW CAN BE EVALUATED IN TERMS OF THE VALUE OF THE PROCESS USED TO MAKE CHANGE AS WELL AS IN TERMS OF POTENTIAL OUTCOME.

METHODS OF INFLUENCING CHANGE IN THE LAW INCLUDE BOTH LEGAL PROCESSES AND EXTRALEGAL MEANS, AND RANGE FROM FREE EXPRESSION TO VIOLENT REVOLUTION.

IN OUR LEGAL SYSTEM CHANGE MAY BE MADE BY ADMINISTRATIVE ACTION, BY LEGISLATIVE ENACTMENT, OR BY JUDICIAL DECISION.

CHANGE IN OUR LEGAL SYSTEM CAN BE CLASSIFIED INTO SEVERAL DIFFERENT BASIC TYPES.

BECAUSE ALL CHANGE IN LAW IS NOT NECESSARILY SOUND CHANGE, CERTAIN PROCESSES EXIST TO SCREEN CHANGE IN OUR LEGAL SYSTEM.

SEVERAL OBSTACLES MAY HINDER CHANGE THROUGH OUR LEGAL SYSTEM.

MODULE IV: THE SYSTEM: KEEPING THE OFFICIALS IN LINE

IN THE PROCESS OF GOVERNING, OFFICIALS MAY INTERFERE WITH BASIC RIGHTS AND VALUES OF CITIZENS.

THE CONSTITUTION SETS THE BOUNDARIES OF THE FORM OF GOVERNMENT, THE SCOPE OF OFFICIAL POWER, AND THE OPERATIONAL PROCESSES OF OFFICIALS IN ORDER TO PROMOTE THE INTERESTS AND PROTECT THE RIGHTS OF CITIZENS.

MONITORING OF OFFICIAL COMPLIANCE WITH CONSTITUTIONAL BOUNDARIES MAY BE PROVIDED BY INTERNAL CHECK ON OFFICIALS AND BY CHECKS AND BALANCES AMONG DIFFERENT BRANCHES OF GOVERNMENT.

EXTERNAL CHECKS ON OFFICIAL COMPLIANCE WITH CONSTITUTIONAL BOUNDARIES MAY BE PROVIDED BY A NUMBER OF MEANS:

- AN INDEPENDENT JUDICIAL BRANCH ACTIVATED BY PRIVATE CITIZENS.
- CITIZEN'S EXERCISE OF FREE EXPRESSION.
- THE NECESSITY OF AN OFFICIAL TO STAND FOR ELECTION AT REGULAR INTERVALS.

THE IMPORTANCE OF THE ROLE OF THE PRIVATE CITIZEN IN PROVIDING CHECKS ON OFFICIALS REQUIRES THAT CITIZENS BE KNOWLEDGEABLE ABOUT FUNDAMENTAL RIGHTS AND CONCERNED ABOUT PROTECTING THOSE RIGHTS.

MODULE V: THE SYSTEM: THE LIMITS OF LAW

LAW IS LIMITED IN ITS CAPACITY TO CONTROL SUCH INTANGIBLES AS HUMAN THOUGHTS, BELIEFS, AND VALUES.

LAW IS LIMITED IN ITS CAPACITY TO DEAL WITH A SOCIAL PROBLEM WHENEVER THE MEMBERS OF THE SOCIETY DO NOT SUFFICIENTLY SUPPORT THE USE OF LAW IN THIS WAY.

LAW IS LIMITED IN ITS CAPACITY TO REALIZE TWO OR MORE VALID SOCIAL OBJECTIVES WHEN THEY CONFLICT WITH EACH OTHER.

LAW IS LIMITED IN ITS CAPACITY TO DEAL WITH A SOCIAL PROBLEM WHEN EITHER THE CAUSES OR REMEDIES OF THE PROBLEM ARE UNKNOWN OR HIGHLY UNCERTAIN.

LAW IS LIMITED IN ITS CAPACITY TO DEAL WITH A SOCIAL PROBLEM WHEN NECESSARY RESOURCES AND TECHNOLOGY ARE NOT AVAILABLE.

LAW IS LIMITED IN ITS CAPACITY TO DEAL WITH A SOCIAL PROBLEM WHEN THE PARTICULAR FACTS TO WHICH LAW APPLIES CANNOT BE RELIABLY DETERMINED THROUGH LEGAL PROCESSES.

HOW TO USE THE TEACHING PROGRAM, TEACHING ABOUT BASIC LEGAL CONCEPTS IN THE SENIOR HIGH SCHOOL

PURPOSE

This program, contained in a series of five modules, provides teachers with materials and resources to develop basic legal concepts within the existing social studies curriculum or within the school's K-12 social studies curriculum program. Drawing on the descriptions of sociology, philosophy, political science, and history, legal concepts and processes are studied in a societal context. The conceptual approach to law as a social institution uses the inquiry method to consider several important aspects of the law: What is the nature of law? What are its social functions? What are its limits? How does law work?

The use of such legal curriculum materials in the schools may prove important for two reasons. First, the law provides a content resource to supplement education about the dynamics of modern society. Second, legal problems and literature are themselves effective resources for developing intellectual skills and the methodology of inquiry.

The teaching of substantive rules of law is not the goal of these modules. Rather, it is to enable teachers to reach understandings with students about the role of law in society. When specific legal rules or processes are suggested for study, it is not implied that the particular rule or process is a vital one about which students should learn for its own sake. Particular legal rules and processes are presented only for illustrative purposes and as a basis for teacher and student understanding of the broader concepts that they illustrate.

DESCRIPTION

This guide includes five teaching modules, each of which deals with a basic aspect of the legal system. While it is suggested that all modules may be taught during the course of the year, each of the units is usable independently. The modules may be used as a single block or spaced according to the needs of the individual class. Field test experience has shown that each module, as designed, takes approximately 2 or 3 weeks to teach.

The core of each module is contained in the understandings. An explanation for the teacher follows the statement of each understanding. This rationale not only provides a background of legal knowledge for the teacher, but, in addition, delineates the importance of the understanding. It is NOT intended for student use as written; the teacher may draw upon information therein to answer questions, but there has been no attempt to translate it to secondary school parlance. Objectives and general questions useful in reaching the understanding are listed. On most of the double-columned pages, there are detailed descriptions of classroom strategies to reach the understanding with notes for the teacher to explain the validity of the strategy and to indicate particular points to observe in using them. Resources which can be used for these strategies are grouped together at the end of the strategies, but are cross-referenced (by case name, statute, or other appropriate designation, and by page) in the detailed description of the teaching procedure. In many instances, the resource listing for a case will include a brief description of the circumstances. For some, an excerpt from the decision is given. If either description or decision is available in a number of the inexpensive case collections now available for secondary classroom use, those sources are cited.

The bibliography includes not only written source materials, but also films, filmstrips, and simulations, with information concerning sources for purchasing or renting.

WHEN TO TEACH THESE MODULES

The modules in this guide can be incorporated into the social studies curriculum in a number of ways. They should not be seen as adding an additional course of study, but, rather, as providing a more meaningful organization to the teaching of concepts basic to the total social studies program.

Rationale

Some schools may wish to use the modules in their entirety and consecutively, perhaps adding additional case studies to build a one-semester course of study. Some will find them useful to incorporate into a minicourse program. Since each module is designed to stand independently of others, they can be used to build one or two offerings of this type. Such treatment gives emphasis to the important role of law in our society.

For many schools, however, they will be most useful for adding a realistic dimension in teaching the mandated topics concerning Federal and State government in grade 11.

The following timetable in the use of the modules as a part of the State program for Social Studies 11, American History, has been suggested by the teacher who worked on their development:

Through the use of the legal modules, it is possible to integrate at least two of the topics from Topic 4, AMERICAN CIVILIZATION IN HISTORICAL PERSPECTIVE into Topic 2, GOVERNMENT AND POLITICS. This leaves Topic 4 more strictly a unit on the creative arts. The law modules also provide a place to teach the political aspects of the topic on Civil Rights from Topic 1 as a part of Topic 2, GOVERNMENT AND POLITICS. This limits Topic 1, THE AMERICAN PEOPLE more closely to a sociological study of the American people. Specific details of such a plan follow. Here, the law modules are taught in order, but many alternate forms of organization could be used.

Module I: This module is an excellent introduction to the topic of Social Control (syllabus, p. 32). The topic of Social Control works well as a transition from syllabus Topic 1, THE AMERICAN PEOPLE to syllabus Topic 2, GOVERNMENT AND POLITICS. In the law module, social control is shown as important for both the prevention of antisocial behavior and the resolution of disputes. Law is then shown as an important factor in such control. Later understandings in this module emphasize the use of law in an organized society. Law is shown as important for social guidance, for the provision of public benefits, and for the support of private arrangements.

Module II: This modules includes the five legal tools needed to provide for the needs of our society. The functional analysis of government provided by this module allows students to investigate the various branches of government and the administrative agencies within a single conceptual framework. In addition, Module II provides a useful structure for the investigation of the governmental processes of a local community.

Materials on the distributive technique can be used as a framework to help teach the understanding, THE VALIDITY OF TAX POLICIES HAS BEEN A SOURCE OF CONTROVERSY THROUGHOUT OUR HISTORY (syllabus p. 21). Materials on the regulatory technique can be used as a framework to help teach the understanding, THE REGULATORY POWERS OF THE FEDERAL GOVERNMENT HAVE BEEN USED INCREASINGLY TO INSURE EQUITABLE RELATIONSHIPS AMONG SEGMENTS OF THE PUBLIC (syllabus p. 23). Materials on the penal technque can be used as a framework for the investigation of the functions of law enforcement agencies, court systems, and correctional institutions. Materials on the remedial technique can be used as a framework for teaching about civil law suits. Materials on the private arrangement technique can be used as a framework to teach the use of contracts in our society. This section of the module could also be used effectively as a part of a unit on consumer protection.

Module III: This module is concerned with the process of change. Students are asked to create a model for evaluating change processes. They then are asked to evaluate legal and extralegal methods of influencing change. This module provides for the analysis change methods from the use of the vote, the role of the lobby, the place of protest to the function of revolution. Much of the material under the Civil Rights topic in the syllabus can be used as a case study for examining the change process (syllabus, p. 8).

Module IV: This module deals directly with the problem of controlling the actions of officials to protect the rights of citizens. It provides a framework for teaching the understanding, THE EXCEPTIONAL COMPETENCE OF THE CONSTITUTION'S AUTHORS IS MANIFESTED IN THE BALANCE BETWEEN POWER AND LIBERTY (syllabus p. 12). Additional understandings show how internal checks, checks and balances, and the check of the judiciary help to control officials. These understandings parallel the more traditional approach of the understandings in Topic 2, GOVERNMENT AND POLITICS, but the material is examined in a different framework. Understanding V of the law module relates directly to the syllabus understanding, THE BELIEF THAT A DEMOCRATIC SOCIETY IS DEPENDENT UPON THE EDUCATION OF ITS CITIZENS UNDERLIES THE HISTORY OF FREE PUBLIC EDUCATION (syllabus p. 26).

Module V: This module is concerned with the limits of law. It shows how law is limited when law trys to control belief; when legal norms to not match social norms; when valid values conflict; when knowledge, resources, or technology limit legal action; and when all facts necessary for good legal decision-making cannot be determined. Understanding I of Module V, on controlling belief with law, relates well to the syllabus topic on Ideological Battles (syllabus p. 31). Understanding III, on value conflict, relates well to the syllabus understanding, SOCIAL CONTROL IN A DEMOCRATIC SOCIETY REQUIRES A CORRECT BALANCE BETWEEN FREEDOM AND RESTRAINT (syllabus p. 33).

Rationale

All of the modules emphasize the importance of the role of the private citizen in the proper functioning of the American legal system. The materials as a unit teach the understanding, CITIZEN PARTICIPATION IN GOVERNMENT, ESSENTIAL TO A DEMOCRACY, TAKES MANY FORMS AT ALL LEVELS OF GOVERNMENT (syllabus p. 15).

Finally, the legal materials can also help students develop social studies skills including respect for fact, capacity for rational argument about matters of social principle, and capacity for sound value analysis.

Rationale

BACKGROUND INFORMATION ABOUT THE LEGAL SYSTEM FOR TEACHERS

Understandings about law and the legal system concern conceptual ground familiar to the social studies teacher because the study of the nature, functions, and limits of our law and legal system is largely a study of the operation of government in a free society. This section contains a review of fundamental background information about the structure of the legal system.

Four aspects of the legal system are presented below. They include (1) kinds of law, (2) kinds of official tasks, (3) kinds of legal proceedings, and (4) the court system.

1. KINDS OF LAW

Laws may be categorized according to their origin. Those types of laws that comprise the body of law in our legal system include (a) statutory law, (b) common law, (c) administrative law, and (d) constitutional law.

Statutory Law. Statutory law includes the law that is made by legislatures. At the Federal level, such law is composed of statutes passed by the Senate and House of Representatives with the assent of the President. At the New York State level, statutory law is made by the Senate and Assembly with the assent of the Governor. Local ordinances, the counterpart of State statutes, are enacted by local legislatures, such as a city council, with the assent of the appropriate local executive.

Common Law. Common law is judge-made law. Its source is the precedents established in the decisions of prior cases. The origin of American common law dates back to court cases from the beginning of this country and even before to the case law of England. Some common law supplements statutory law by providing judicial interpretation of statutes and constitutions as they are applied in specific cases. Other common law exists independently; for example, the rules for making a simple valid contract which are usually found, not in statutes, but in cases of past legal history.

Administrative Law. Administrative law is made neither by legislators nor judges, but by administrative officials. Familiar examples of administrative regulations include the rules promulgated by the New York State Commissioner of Education concerning qualifications for teacher certification, rules promulgated by the New York State Commissioner of Motor Vehicles concerning qualifications for acquiring a driver's license, and rules promulgated by the New York State Tax Commissioner concerning the form in which the annual tax return must be filed.

Constitutional Law. The constitutional law of our Nation and states has its source in the written documents that provide for our Federal and state governments. This law establishes the boundaries within which governments can legitimately operate. Its purposes are to structure government and to limit the powers of officials in order to protect the governed from potential oppression by government. When a legal system operates under the restraints of constitutional law, one may speak of it as a "government of laws" rather than a "government of men." The latter is a legal system without viable constitutional limits on the powers of the government, where the only restraints on those in positions of official power are self-imposed restraints and the threat of potential revolution.

2. KINDS OF OFFICIAL TASKS

The day-to-day operation of the legal system is entrusted to legal officials and private citizens who perform the following types of tasks. (a) making legal rules, (b) carrying out legal rules, and (c) adjudicating disputes under legal rules.

Making Legal Rules. An important part of the jobs of many legal officials is making legal rules. Legislators make legal rules in the form of statutes. Judges make legal rules by deciding cases. Part of the job of administrators is promulgation of regulations such as the regulations of the New York State Commissioner of Education. The executive makes rules in the form of executive orders such as President Kennedy's famous executive order which requires all Federal officials to discourage discrimination in carrying out their duties relative to private housing. Private individuals also make many enforceable legal rules in private legal arrangements such as contracts, leases, and wills.

Rationale

Carrying Out Legal Rules. Legal officials are also charged with the carrying out of legal rules. Taxing, spending, and regulatory aspects of legal action are implemented by officials of administrative agencies. Criminal laws are enforced by police officials. Private citizens also play key roles in carrying out diverse kinds of legal rules. For example, private citizens who are employed by government implement many legal rules (teachers carry out mandates of the education law, private contractors carry out much law concerning highways). Private citizens carry out many legal rules in making private legal arrangements among themselves (contracts, wills, etc.). Legal rules concerning civil liability are carried out only after private individuals initiate lawsuits.

Adjudicating Disputes Under Legal Rules. Adjudication of legal disputes is primarily a task of judicial officials. Other officials share this task. Many legal disputes are adjudicated in hearings before administrators. Disputes concerning teachers or students are most often adjudicated before educational administrators. Drivers licenses are suspended in hearings before a representative of the motor vehicles commissioner. Labor disputes go before labor department administrators. Such administrative adjudication may be subject to ultimate judicial adjudication through the process of judicial review. Legislative adjudication also occurs in some special circumstances; for example, when a legislator is censured by fellow legislators.

3. KINDS OF LEGAL PROCEEDINGS

Although the mention of legal proceedings often brings to mind the activities of the courtroom, judicial processes are only one of several kinds of legal proceedings in which legal officials engage. In this section, we will consider (a) judicial proceedings, (b) legislative proceedings, and (c) administrative proceedings.

Judicial Proceedings. One familiar sort of judicial proceeding is the trial, a legal proceeding where a judge and jury sit as an impartial third party to resolve many kinds of disputes. In a *civil lawsuit*, a private party may seek relief from some harm he claims has been done to him by another private party or by improper official action. In a *criminal case*, the government in the person of the district attorney or prosecutor may bring an accused private party to trial to seek redress for a wrong supposedly done to society at large. Another sort of judicial proceeding is carried on in appeals courts where judges review the propriety of judicial decisions at the trial court level. If the appeals court judges find that the trial judge has made a serious mistake, they may send the case back for a new trial.

Legislative Proceedings. There are two main kinds of legislative proceedings—passage of laws and the investigation in preparation to passage of laws. The methods by which a bill may become a law are familiar. Most of the work of the legislators is carried on in investigatory hearings and in research where background information for lawmaking is collected and considered. These proceedings are carried out primarily by legislative committees and their staffs.

Administrative Proceedings. Elements of judicial proceedings and legislative proceedings are present in administrative proceedings. Administrative officials investigate and promulgate regulations under powers granted them by legislative acts. Like judges, administrators serve as a third party to resolve disputes that arise under administrative regulations.

4. THE COURT SYSTEM

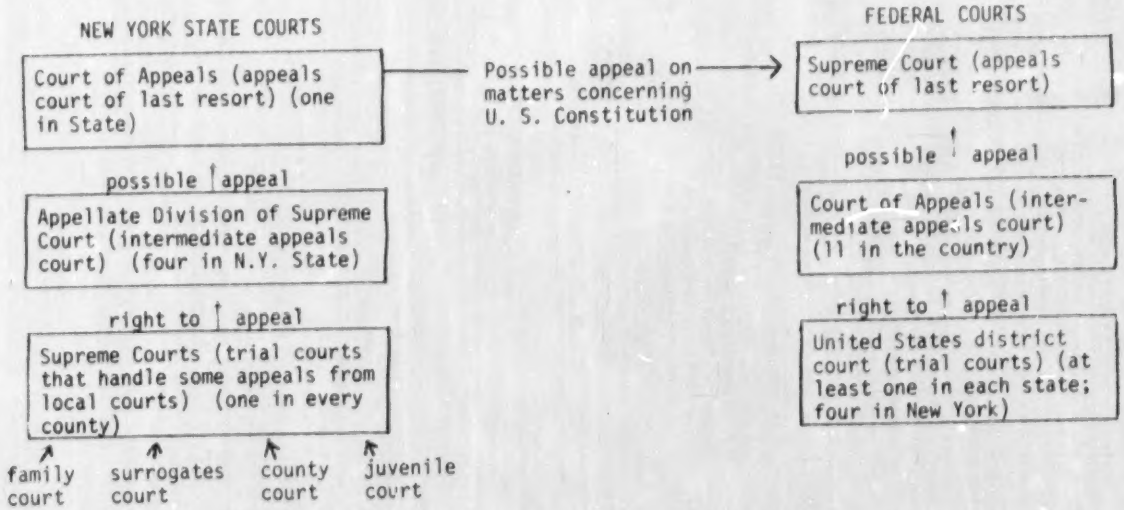
Because our legal system is a Federal system of coexistent National and State Governments, we have coexistent state and Federal courts. This system is diagramed on the following page.

Questions of which courts have jurisdiction over what cases are extremely complicated. A few simplified generalizations may be helpful here. Federal courts generally handle cases involving citizens from different states or questions of Federal law. Such cases may be started in either state or Federal court. In the Federal courts, cases start at trial in the Federal district courts. There is a right to one appeal which is generally to a Federal Court of Appeals. The U.S. Supreme Court, highest Court in the land, may or may not agree to hear a second appeal.

In the New York State courts, cases start at trial in the supreme court or in a local court that handles the particular kind of case. If the case starts in a local court, the right to one appeal is to the State Supreme Court. If the case starts in the State

Rationale

Supreme Court, the right to one appeal is to one of the four Appellate Division Courts. The New York Court of Appeals, like the U. S. Supreme Court, may grant an additional appeal. The only time a case may be appealed from a state to a Federal court is from the state court of last resort to the U.S. Supreme Court, provided that a Federal law is involved and that the U.S. Supreme Court agrees to take the case.


NEW YORK STATE COURTS
Court of Appeals (appeals court of last resort) (one in State)
Possible appeal on matters concerning U. S. Constitution
FEDERAL COURTS
Supreme Court (appeals court of last resort)
possible ↑ appeal
Appellate Division of Supreme Court (intermediate appeals court) (four in N.Y. State)
possible ↑ appeal
Court of Appeals (intermediate appeals court) (11 in the country)
right to ↑ appeal
Supreme Courts (trial courts that handle some appeals from local courts) (one in every county)
right to ↑ appeal
United States district court (trial courts) (at least one in each state; four in New York)
family court
surrogates court
county court
juvenile court

Rationale

COLLECTING RESOURCE MATERIALS FOR CLASSROOM USE

Use of primary legal resource material has proven to be extremely effective in the classroom. Students of all ability levels responded well to adapted versions of actual cases and statutes. Many of the cases are available in materials already prepared for secondary students use. Any one of the casebooks included in the bibliography of casebooks in the bibliography would have many of the cases suggested in the guide. References in the modules list the location of the cases in the secondary school level case collections.

In order for the teaching of these modules to be meaningful, teachers should not overlook contemporary issues in pertinent cases and situations related to the concepts being developed. *The New York Times Index* and *The Readers Guide to Periodical Literature* are both useful to students and teachers in searching for sources of detailed accounts about new material for class consideration.

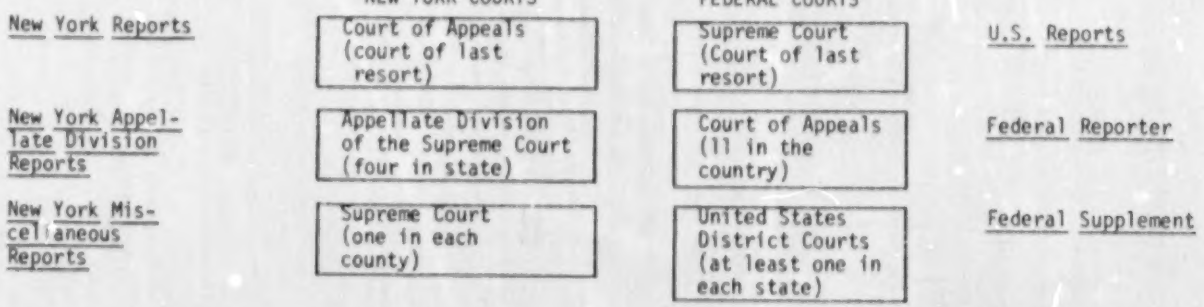
LOCATION AND ADAPTATION OF CASES

Court decisions are suggested as resources at various points in this guide. Court decisions exist in two types of publications, casebooks and case reports. The characteristics and advantages of each are discussed below.

Casebooks are edited collections of court decisions on particular subjects which are prepared for law school use, undergraduate study, general reading, and, in a few instances, for secondary school study. (See the casebook listing in the bibliography.) Casebooks offer two advantages. First, a single casebook collects in one place numerous cases on a related subject that may be used in class. Second, most cases require substantial editing of case language and length prior to use in a class. In a casebook, this job is partially done, as cases appearing in casebooks are usually shortened versions of actual cases.

The most complete source of court decisions exists in the case reports. The decision in a court case is handed down by the judge or judges as a written opinion. As enough new decisions are handed down by a particular court to fill a volume, they are bound together, and the new volume is added to the multivolume series that constitutes the case reports of that court. For example, the cases of the United States Supreme Court are collected in a series of volumes, known as the *United States Reports*, which contains just over 400 volumes. One case suggested for classroom study is the New York Regents prayer case, Engel vs. Vitale. In the "Resources" section, a citation for this case appears as "vol. 370 *U.S. Reports*, p. 421 (1962)." Thus, the Supreme Court decision for the case of Engel vs. Vitale, which was handed down in 1962, is located in volume 370 of the *United States Reports* at page 421.

While the *United States Reports* contains U.S. Supreme Court cases, cases from other courts (or groups of courts at the same level) are collected in other series of volumes. The diagram of the court system below indicates the names of the reports in which cases from the particular courts are collected.


NEW YORK COURTS
FEDERAL COURTS
New York Reports
Court of Appeals (court of last resort)
Supreme Court (Court of last resort)
U.S. Reports
New York Appellate Division Reports
Appellate Division of the Supreme Court (four in state)
Court of Appeals (11 in the country)
Federal Reporter
New York Miscellaneous Reports
Supreme Court (one in each county)
United States District Courts (at least one in each state)
Federal Supplement

Rationale

In addition to the case reports of the various Federal and State courts, the important decisions of all 50 state court systems are selected for publication in the regional reporters. These reporters are *Atlantic Reporter, Northeastern Reporter, Southern Reporter, Southeastern Reporter, Northwestern Reporter, Southwestern Reporter,* and *Pacific Reporter.* For example, selected cases from New York courts are collected in the *Northeastern Reporter* along with cases from Indiana, Illinois, Massachusetts, and Ohio.

Case reports are available in every county courthouse library, in large public libraries, and in college or university libraries. The libraries of practicing lawyers contain some case reports. Although the case reports are the most complete source of court decisions, casebooks are more easily used in the preparation of materials for secondary students.

As they appear in the case reports or in casebooks, court cases normally will require editing before they are used for procedures suggested in this guide. Since courts often devote large portions of a decision to discussing technical points of law that may be of no importance for secondary school adoption, most cases can be shortened. Where vocabulary is too difficult for students, the teacher may also want to paraphrase to clarify the cases.

LOCATION AND ADAPTATION OF STATUTES

Selected legislation passed by the United States Congress or by the New York State Legislature is suggested as resource material at various points in this guide. These suggestions refer to some of the hundreds of statutes passed each year by the Federal and state legislatures on scores of topics. These laws are consolidated by subject (codified) in statute books. For example, all the laws on motor vehicles are collected in a single place, all the laws on crimes are collected in a single place, etc. All Federal legislation is periodically codified and updated in approximately one dozen volumes called the *United States Code*, containing 50 main subject areas called titles. The entire code as well as each of the separate titles is indexed reasonably well. All New York State legislation is codified by subject in a series of statute books called *McKinney's Consolidated Laws of New York.* In this multivolume series, the statute law of the State is consolidated under 70 different subjects, and indexed well by topic through the entire series.

The *United States Code* and the *Consolidated Laws of New York* can be found in any county court house, and may also be available in college, university, or public libraries. Practicing attorneys generally have copies of the Federal and state statutes in their libraries.

As with cases, editing will usually be necessary before using statutes for classroom study. The text of the statute can be reduced in length, language can be simplified, and technical legal material can be deleted.

A LAW RESOURCE SUPPLEMENT FOR SOCIAL STUDIES RESOURCE CENTER

Compilation of student materials from primary sources involves use of some resources that may be unfamiliar or are not readily available in the school or public library. One means of facilitating the process of compiling student materials is for the school or school district to acquire books for a law source supplement to the social studies resource center. A list of books that collect relevant resource materials is found in the bibliography. Acquisition of one book from each of the suggested categories would provide a "mini" resource collection that would facilitate locating classroom materials for study.

THE ATTORNEY IN THE CLASSROOM

The New York State Bar Association and several local bar associations have expressed an interest in assisting the development of the teaching of law in the schools. This resource should not be overlooked when assistance is needed in the location or adaptation of legal materials. If a law library is not available, local attorneys generally possess a comprehensive collection of the legal literature. Once resource material is located, the attorney may prove useful in the process of adapting it for student use.

Many classes will not be able to have legal talent available for more than one or two occasions. However, a bar association may wish to "adopt" your classes over a period of time, providing several members who could be available at different times throughout the duration of the study of the legal concepts. If a visit to court is arranged as part of such a program, it is particularly helpful to

have an attorney to brief the class before the visit and to answer questions afterwards. In addition, if a law library is not easily accessible, the teacher may find that a local attorney would have casebooks and other resources which he could borrow.

Live resources, perhaps even more than written and audiovisual materials, require careful planning in order to realize their full potential. Some planning procedures which help both attorney and class to work effectively together include:

- discussion of the specific topics for which the attorney's expertise is needed, well in advance of the date when the attorney will be present. Some questions which students have raised concerning these topics would provide helpful guidelines for him.
- a brief but specific statement concerning the course of study, including what has been discussed in class previous to his participation.
- the loan to the participating attorney of any curriculum materials being used to structure the classwork. In addition, provide copies of related student material.
- provision for the attorney to identify misconceptions which students may have about the legal processes to be discussed. The attorney may wish to question students before he works with the class. A student committee could call on him at his convenience to help with this task.

Staff members of the New York State Bar Association are working closely with Department personnel to assist teachers in using their program, *Mock Trials*, as well as to develop additional materials of this nature. Therefore, the teacher will find it helpful to maintain contact with the local affiliate of this organization.

BIBLIOGRAPHY AND MEDIA LISTING

CONSTITUTIONAL LAW CASEBOOKS

Law School Casebooks

Barrett, E. L., Jr., Bruton, P. W. & Honold, J. *Constitutional law—cases and materials*, 3d ed. Mineola, N.Y. The Foundation Press. 1968.

Lockhart, W. B., Kamisar, Y., & Choper, J. H. *Constitutional law: Cases—comments—questions*, 3d ed. St. Paul, Minn. West Publishing Co. 1970.

Casebooks for Undergraduate Study

Kadish, S. H., & Paulsen, M. G. *The criminal law and its processes*. Boston. Little Brown. 1969.

Konvitz, M. R. *Bill of Rights reader, leading constitutional cases*, 3d ed. Ithaca, N.Y. Cornell University Press. 1965.

Mason, A. H. & Beaney, W. M. *American constitutional law, introductory essays and selected cases*, 4th ed. Englewood Cliffs, N.J. Prentice-Hall. 1968.

Casebooks for General Reading

Swisher, C. B. *Historic decisions of the Supreme Court*. New York. Van Nostrand Reinhold Co. 1969.

Tresolini, R. J. *Constitutional decisions in American government*. New York. Macmillan. 1965.

____. *These liberties: case studies in civil rights*. Philadelphia, Pa. Lippincott. 1968.

Vanderzell, J. *The Supreme Court and American government*. New York. Crowell. 1968.

Collections of Case Studies Prepared for Secondary Schools

Bragdon, H. W., & Pittenger, J. C. *The pursuit of justice*. New York. Macmillan. 1969.

California Bill of Rights Project.

Cohen, William, Schwartz, Murray, & Sobul, DeAnne. *The Bill of Rights: A sourcebook*. New York. Benziger Press. 1968.
Sobul, DeAnne. *The Bill of Rights: A handbook*. New York. Benziger Press. 1969.

Cuban, Larry, & Aaronson, Lawrence. *You've been arrested*. Glenview, Ill. Scott, Foresman. 1972. (People and the City Series.)

Dorman, Michael. *A young people's guide to legal rights*. New York. Delacorte. 1970.

Fraenkel, J. R. *Crime and criminals: What should we do about them?* Englewood Cliffs, N.J. Prentice-Hall. 1970. (Inquiry Into Crucial American Problems Series.)

Fribourg, M. G. *The Bill of Rights*. Philadelphia, Pa. Macrae Smith Company. 1967.

Rationale

Gibson, William. *Lessons in conflict: legal education materials for secondary schools.* Law and Poverty Project. Boston. Boston University School of Law. 1970.

Gibson, Harris, et al. *Great Cases of the Supreme Court.* Boston. Houghton-Mifflin. 1972. Sponsored by the Law in American Society Foundation.

Goodykoontz, William, ed. *Law: you, the police, and justice.* New York. Scholastic Books. 1968.

Groll, O'Neill, et al. *Vital Issues of the Constitution.* Boston. Houghton-Mifflin. 1972. Sponsored by the Law In American Society Foundation.

James, L. F. *The Supreme Court in American Life.* Chicago. Scott Foresman. 1964.

Leinwand, Gerald. & West, Carol. *Crimes and juvenile delinquency.* New York. Simon & Schuster. 1968. (Problems of American Society Series.)

____. *The Police.* New York. Simon & Schuster. 1972. (Problems of American Society Series.)

Lincoln-Filene Center, Tufts University, John S. Gibson, Director.
Civil disobedience: a higher law? Medford. Tufts University. (No date.)
The courts make policy: the story of Clarence Earl Gideon. Houghton-Mifflin. (No date.)
Gun control: a bill becomes a law. Medford. Tufts University. (No date.)
The police: fact and fiction. Medford. Tufts University. 1968.

Ludwig, Bernard. *Civil rights and civil liberties.* New York. Simon & Schuster. 1968. (Problems of American Society Series.)

Mehlinger, H. D., & Patrick, J. J. *American political behavior.* Boston. Ginn. 1971.

Mill. E. W. *Liberty and law.* Morristown, N.J. Silver Burdett. 1971.

Miller, Richard. *Courts and the law.* Middletown. American Education Publications. 1971.

National Council for the Social Studies. Judgment Series. Washington. 1967. Available from Scholastic Book Services, Englewood Cliffs, N.J.
Bible reading and prayer.
Right to legal counsel.
Privilege against self-incrimination.
Citizenship.
Fair trial vs. free press.
The right to privacy.
Using tort cases in the classroom.
Due process and the juvenile court.

Oliver, D. W., & Newman, F. M. *Harvard Social Studies Project.* Middletown, Conn. American Education Press. 1967, 1968.
Public Issues Series*
Community change——Cutler, Charles & Pearson, Craig, eds.
The lawsuit——Pearson, Craig, ed.
Rights of the accused——Pearson, Craig, ed.
Taking a stand——Pearson, Craig, & Sparks, D. G., eds.

*Pertinent titles within series.

Rationale

Oregon State Bar and Portland Public Schools.
Liberty and the Law Series*
Church, state and education.
Citizenship.
Civil liberty and military necessity.
The flag salute cases.
Free press—fair trial.
Freedom of expression.
The privilege against self-incrimination.
Right to counsel.
Search and seizure.
Segregation in public schools. Englewood Cliffs, N.J. Prentice-Hall. 1968.

Parker, Donald, O'Neil, R. M., & Econopouly, Nicholas. *Civil liberties: case studies and the law.* Medford, Mass. Tufts University. 1965. Not available: Houghton-Mifflin Company.

Post, C. G. *An introduction to the law.* Englewood Cliffs, N.J. Prentice-Hall. 1963.

Quigley, C. N., & Longaker, R. P. *Conflict, politics and freedom.* Boston. Ginn. 1968.

Ratcliffe, R. H., gen. ed. Sponsored by Law in American Society Foundation, Chicago Bar Association, and Chicago Board of Education.
Justice in Urban America Series*
Crimes and Justice—Bassioni, M.C., et al.
Landlord and tenant—Ranney, George, Jr., & Parker, Edmond.
Law and the city—Groll, Richard, & Zevin, Jack.
Law and the consumer—Berger, Robert, & Teplin, Joseph.
Poverty and welfare—Bennett, Robert, & Newman, Thomas.
Youth and the law—Bassioni, M.C., & Sister Thecla Shiel. Boston. Houghton-Mifflin. 1970.

Starr, Isidore.
Our Living Bill of Rights Series
The Feiner case.
The Gideon case.
The Prince George County case. Chicago. Encyclopaedia Brittanica Corp. 1968.

___. *The American judicial system.* New York. Oxford. 1972.

Summers, R. S., Campbell, A. B., & Bozzone, J. P. *Justice and order through law.* Lexington, Mass. Ginn. 1973.

___. *The American legal system.* Lexington, Mass. Ginn. 1973.

Tresolini, R. J. *These Liberties: case studies in civil rights.* Philadelphia. Lippincott. 1968.

Tucker, R. K., Cutler, Charles, & Pearson, Craig. *Liberty under Law.* Middletown. American Education Publications. 1963. Rev. ed. 1971.

Related Periodicals

Law in American society. Journal of the National Center for Law-Focused Education. Law in American Society Foundation, 33 North LaSalle Street, Suite 1700, Chicago, Illinois 60602.

*Pertinent titles within series.

Bill of Rights Newsletter. Constitutional Rights Foundation, 609 South Grand Avenue, Suite 1012, Los Angeles, California 90017. Quarterly. Note particularly, Vol. VI, No. 2, Fall, 1972, which deals with legislation and administrative actions concerning equality for women.

Anthologies of Readings, Statutes, and Cases on Law's Role in Society

Cohen, M. R., & Cohen, F. S. *Readings in jurisprudence and legal philosophy.* Boston. Little Brown. (2 volumes.) $11.50.

Simon, R. J. *The sociology of law: interdisciplinary readings.* New York. Chandler Publishing Co. 1968. $8.50.

Simpson, S. P., & Stone, Julius. *Cases and readings on law and society.* St. Paul. West Publishing Co. 1948-1949. (3 volumes.)

Texts for College Undergraduate Course on Law's Role in Society

Auerbach, Carl A., et al. *The legal process.* San Francisco. Chandler Publishing Co. 1961.

Berman, H. J., & Greiner, W. R. *The nature and functions of law.* Brooklyn. Foundation Press. Second edition 1966. $9.95.

Franklin, M. A. *The dynamics of American law; courts, the legal process, and freedom of expression.* Mineola. Foundation Press. 1968. $10.50.

Summers, R. S., & Howard, C. G. *Law, its nature, functions and limits.* Englewood Cliffs, N.J. Prentice-Hall. Rev. ed. 1972. $10.95.

Films and Filmstrips

The commercial source of each of these entries is listed. However, teachers are reminded to check with their local sources for availability or for rental arrangements used by their school system. In some cases, regional collections are available through a BOCES center. Some video tapes have been made available by the State Education Department to these centers. Through the generosity of the New York State Bar Association, sets of *The Bill of Rights in Action* have been distributed in this way. In addition, the Department has video tapes for several titles in the *Living Bill of Rights* Series deposited in these regional collections.

An Imaginary They. Film. Modern Learning Aids, 212 Avenue of the Americas, New York 10036. 22 min. sd. color. 16 mm. (No date.)

Bill of Rights in Action Series. Films. Bailey Films Associates, 221 Michigan Avenue, Santa Monica, California 90404. sd. color. 16 mm.

Subtitles:
De Facto Segregation. 22 1/2 min.
Due Process of Law. 22 1/2 min.
Equal Opportunity. 22 min.
Freedom of Religion. 21 min.
Freedom of Speech. 21 min.
Right to Privacy. 23 min.
Story of a Trial. 22 min.

Due Process of Law Denied. Film. Teaching Film Custodians. sd. 30 min. b/w. 16 mm. 1943.

Environmental Pollution: Our World in Crisis. Filmstrip. Ward's Natural Science Establishment, Inc., P.O. Box 1712, Rochester, New York 14603. Set of 6 filmstrips. color. Teaching Guide.

Rationale

Government Story. Videotape. The State Education Department, Bureau of Mass Communications, Albany, New York 12224.
Subtitles: #36 *The Justice Machine*
#38 *Framework of Freedom (The Supreme Court and Constitutional Rights)*
#39 *Men of Justice*
#40 *Supreme Court and Society*

In the Name of the Law. Film. NBC Educational Enterprises, 30 Rockefeller Plaza, New York 10020. 14 min. sd. color. 16 mm. 1968.

Our Living Bill of Rights Series. Films. Encyclopaedia Britannica Educational Corporation, 425 North Michigan Avenue, Chicago, Illinois. 16 mm.
Subtitles: *Bible Reading in the Public Schools: The Schempp Case.* 27 min. sd. b/w and color.
Freedom to Speak: The Feiner Case. 27 min. sd. color.
Free Press versus Fair Trial by Jury: The Shepherd Case. 27 min. sd. color.
Right to Counsel: The Gideon Case. 27 min. sd. b/w and color.
Right to Remain Silent: The Miranda Case. 27 min. b/w and color.

Pollution Is A Matter of Choice. Film. NBC Educational Enterprises. Reel I - 26 min. Reel II - 27 min. sd. color. 16 mm. 1970.

Police Power. Film. Indiana University, Audio Visual Center, Bloomington, Indiana 47401. 60 min. sd. b/w. 16 mm. 1965.

Structure and Organization of American Courts. Film. Films Incorporated, 1150 Wilmette Avenue, Wilmette, Illinois 60091. 30 min. sd. b/w. 16 mm. 1962.

Super Cop. Film. NBC Educational Enterprises. 25 min. sd. color. 16 mm. 1970.

To Kill A Mockingbird. Film. Universal Sixteen, 445 Park Avenue, New York 10022. 129 min. sd. b/w. 16 mm. (Only available for rental.)

Witness To An Accident. Film. Indiana University, Audio Visual Center. 11 min. sd. b/w. 16 mm. 1961.

Your Rights and What They Really Mean. 6 filmstrips and 3 cassettes. Eyegate, 146-01 Archer Avenue, Jamaica, New York 11435.

Collections of Study Prints

Documentary Photo Aids, Box 2620, Sarasota, Florida 33578.
(Ask for listing.)

New York State Historical Society, Cooperstown, New York.
Exhibit Portfolios
Growing Up Black
Neighbors on the Block
The Lower East Side
Painting As Social History
Justice's Court in the Back Woods

Silver Burdett Company, Park Avenue & Columbia Road, Morristown, N.J. 07960
Pictures That Teach: Environmental Education

Holt, Rinehart & Winston, Inc., 383 Madison Avenue, New York 10017
Holt Databank System
Data Pack 8: The Poor
Data Pack 9: Pollution

Simulations And Other Media

Abt Associates, Inc., 55 Wheeler Street, Cambridge, Mass. 02138.

Innocent Until: A role-play simulation for 13 to 30 players, which recreates the courtroom drama of a trial by jury; based upon the case presented in the AEP pamphlet, *Rights of the Accused.*

Pollution: For 12 to 16 students, role-play of community consequences of different forms of pollution and of abatement programs. Players are faced with the real-life dilemma of high short-term costs for abatement programs versus the disastrous long-term effects of unabated pollution.

Raid: Role-play simulation for 5 to 15 persons, using the dynamics of the inner city "protection" racket.

Instructional Simulations, Inc., 2147 University Avenue, St. Paul, Minn. 55114.

In-Force: A Criminal Justice Simulation replicates the public administration of the Omnibus Crime Control and Safe Street Act. Xerox copies available; developed by LEAA and the Minnesota Department of Education.

Education Ventures, Inc., 209 Court Street, Middletown, Conn. 06457.

Community Decision Games, including New Highway; Open Space; New School.

Constitutional Rights Foundation, 609 South Grand Avenue, Suite 1012, Los Angeles, Calif. 90017.

Jury Game. Order from Social Studies School Service, 10000 Culver Boulevard, Culver City, Calif. 90230.

Police Patrol. Order from Simile II, P.O. Box 1023, LaJolla, Calif. 92037.

New York State Bar Association, 1 Elk Street, Albany, N.Y. 12207.

Mock Trial. Contact Austin Sennett, Director of Meetings and Membership of the State Bar Association for suggestions for use of this, including participation of Bar Association members.

Reference Services

Taylor's Encyclopedia of Government Officials. Dallas Political Research, Inc. 75201.
$60 for 2 years. One volume every 2 years, quarterly supplement, monthly bulletin plus reference service available to school subscribing to this publication. Example of reference service: questions concerning published state or Federal cases can provide the teacher with the brief of the case.

Rationale

Statutes Compiled by Subject

Federal Statutes

United States Printing Office. *United States code.* (Approximately 11 volumes - price approximately $7/volume.)
Suggested for reference collections in schools in which depth studies are contemplated.

New York State Statutes

The laws passed by the New York State Legislature are published in a many-volume series of books called *McKinney's Consolidated Laws of New York.* A list of the titles of these volumes shows how many subjects are dealt with in legislative law.

THE CONSOLIDATED LAWS OF NEW YORK

1. Statutes
2. Constitution
2a. Agricultural Conservation and Adjustment
2b. Agriculture and Markets
3. Alcoholic Beverage Control*
4. Banking
5. Benevolent Orders
6. Business Corporations
7. Canal
7a. City Home Rule
7b. Civil Practice Law Rules (civil procedure)*
8. Civil Rights*
9. Civil Service
9a. Condemnation
10. Conservation*
10a. Co-operative Corporations
10b. Correction
11. County
12. Debtor and Creditor
13. Decedent Estate
14. Domestic Relations (family law)*
16. Education*
17. Election
17a. Employers' Liability
18. Executive*
-- General Associations
19. General Business
20. General City
21. General Construction
22. General Corporation
23. General Municipal
24. Highway
25. Indian*
27. Insurance
28. Joint-Stock Association
29. Judiciary*
30. Labor
31. Legislative*
32. Lien
34. Membership Corporations
34a. Mental Hygiene
35. Military
35a. Multiple Dwelling*
36. Navigation
37. Negotiable Instruments
37a. Optional County Government
38. Partnership
39. Penal*
40. Personal Property
42. Public Authorities
43. Public Buildings
44. Public Health*
44a. Public Housing
45. Public Lands
46. Public Officers
47. Public Service
47a. Public Works
48. Railroad
48a. Rapid Transit
49. Real Property
50. Religious Corporations
51. Salt Springs
52. Second Class Cities
52a. Social Welfare*
-- Soil Conservation Districts
53. State Boards and Commissions
54a. State Departments
55. State Finance
56. State
57. State Printing
58. Stock Corporation
59. Tax
61. Town
62. Transportation Corporations
62a. Vehicle and Traffic*
63. Village
-- Village Home Rule
64. Workmen's Compensation
65. Unconsolidated Laws
66. Code of Criminal Procedure*
69. Uniform Commercial Code

*These volumes are suggested for reference collections in schools in which depth studies are contemplated. Approximately $10 per volume.